



EEO Monitoring Forms

Equal Employment Opportunity (EEO) monitoring forms are data collection sheets used by organisations that have a strong commitment to enhancing equality of employment opportunity for all people, including those from diverse and minority backgrounds. It is a requirement for some state government organisations and some government-funded organisations to implement EEO monitoring forms and produce statistical reports.

EEO forms often contain questions about:

- The gender of the applicant
- Aboriginal or Torres Strait Islander background
- Racial, ethnic or ethno-religious groups considered a minority in Australian society
- Disability, including information about limitations and reasonable work place adjustments in the workplace.

The collection of data benefits organisations in identifying the current representation of employees from diverse and minority backgrounds. The information also assists in developing and implementing fair and equitable policies and strategies to meet the needs of all staff within the organisation.

EEO forms may be presented when the position of employment has been accepted. EEO forms are generally presented to employees at their induction or when the person has been employed in the position of employment. EEO forms are not to be used in the selection process. They are separate from the main application form and are not seen by the interview panel.

The Privacy Act 1988 protects personal information handled by Federal and Australian Capital Territory (ACT) Government Agencies and Private Sector Organisations. (Not all small businesses have to comply with the Act. Refer to the [Confidentiality and Privacy document in this resource](#) for further information). Many state governments also have privacy laws that are similar. They cover the collection, use and disclosure of personal and medical information. Organisations are therefore bound by state and federal privacy acts to protect the confidentiality of employee information and EEO details.

Should Disclosure Occur

Although every staff member is requested to complete EEO forms, it is a voluntary process for all employees, including employees with a disability. It is important to check how the information will be used, what it will be used for and who will have access to the information before deciding whether disclosure should occur.

Federal and state privacy acts requires employers to provide a statement on any form that requests private and confidential information. The statement should clearly outline the reason why the information is being collected, how the information will be used, where the information will go, who will have access to the information and a contact point for further information.

Why Employees May Choose To Disclose Their Disability On EEO Forms

Rudi has indicated on the EEO form that he has a disability and also the nature of the disability, because he is very active in the disability field and seeks every opportunity to promote positive examples of people with a disability in employment.



An employee may choose to disclose their disability on an EEO form to:

- send a message to management or to make a difference in assisting the organisation to implement and evaluate fair and equitable policies and strategies to meet the needs of staff with disabilities.
- promote the fact that people with disabilities can work in many positions of employment
- provide personal information, knowing that this disclosure will not impact on their position of employment and that the information is used for statistical data only
- confidently provide information, after being informed that state and federal privacy laws protect the information.

Why Employees May Choose NOT To Disclose Their Disability On EEO Forms

Belinda has chosen not to disclose her disability for two reasons. Firstly, her disability is currently being well managed and not causing her any difficulties. Secondly she is not sure how her disability information will be used and fears potential discrimination.

An employee may choose NOT to disclose their disability on an EEO form because:

- they may believe that their disability information is not relevant to the position of employment and therefore not relevant to the EEO process
- they may not know where the information will go or who will have access to the information
- they may not be confident that the information will not be used in a negative or discriminatory manner
- their disability may be in remission and therefore not considered relevant to the process
- they may not consider that their existing condition is a disability
- they may not be confident that the EEO information may be used in employment conditions.

What To Disclose

EEO forms often contain disability specific questions. This may include the request for information about the type of disability, any limitations or restrictions and any reasonable accommodations that may have been implemented in the workplace. The EEO form should also provide contact details for employees should they require further information about disability support in the workplace.

If an employee chooses to disclose their disability on an EEO form, it should be related specifically to the questions asked. EEO forms generally only require specific information that is related to the work environment and therefore disability information should be presented in a short and concise manner that is relevant to the work environment.

Who To Disclose To

The collection of EEO information requires employers to take reasonable steps, at the time, or as soon as practicable afterwards, to make employees aware of certain information. A statement or supporting letter tends to be placed on forms that require confidential information that outlines:

- why the organisation is collecting the information
- who and where the information will go to and how to contact them
- any consequences if the employee does not provide the information
- what other organisations the EEO information may be given to and
- that employees can access personal information held about them by the organisation.



It is important to obtain this information before deciding to complete an EEO Form. The information should provide sufficient information for the employee to decide to whom they are going to disclose. The requirements for organisations to inform employees about the collection of personal information is fully set out in the Federal Privacy Act National Privacy Principles (for private organisations) or the Information Privacy Principles (Federal and ACT Government organisations). For further information refer to the [Privacy and Confidentiality document](#) in this Resource or the Privacy website at [Office of the Privacy Commissioner](#)

The Purpose Of Disclosing

The main purpose of disclosure when completing an EEO form is to inform the employing organisation of the employee's disability in the context of the current representation of employees from diverse and minority groups. This benefits organisations in identifying the current representation of employees from diverse and minority groups and also assists in developing and implementing fair and equitable policies and strategies to meet the needs of all staff within the organisation.

Employee: Rights And Responsibilities

Rights:

- Employees have a right to information about what happens to personal information and disability specific information that the organisation collects about them, including information from EEO forms.

Responsibilities:

- Employees are responsible for completing EEO forms, which ask about disability, if they wish to have their disability status recorded by the organisation. EEO forms are used by organisations as a data collection point to identify the current representation of employees from diverse and minority backgrounds. The information also assists in developing and implementing fair and equitable policies and strategies to meet the needs of all staff within the organisation.

Employer: Role And Responsibilities

Roles:

- Privacy laws require institutions and organisations to provide a statement on any form indicating how personal information will be used.

Responsibilities:

Whatever method is used to collect information, institutions and organisations need to take reasonable steps, at the time, or as soon as practicable afterwards, to make employees aware of certain information such as:

- why the organisation is collecting the information
- who and where the information will go to and how to contact them
- any consequences if the employee does not provide the information
- what other organisations the EEO information may be given to and
- that the employee can access personal information held about them by the institution.

The requirements for organisations to inform employees about the collection of personal information is fully set out in the Federal Privacy Act National Privacy Principles (for private organisations) or the Information Privacy Principles (Federal and ACT government organisations) or state privacy legislation. [Refer to the Privacy and Confidentiality document in this resource.](#)